

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAYLA M. TOBEY,

Defendant.

4:06CR3187

DETENTION ORDER

**PETITION FOR
ACTION ON CONDITIONS
OF
SUPERVISED RELEASE**

Pursuant to 18 U.S.C. § 3142(f) and § 3143(a) of the Bail Reform Act, and Fed. R. Crim. P. 32.1(a)(6),

IT IS ORDERED,

The above-named defendant shall be detained until further order, because:

 X The defendant has failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3153 (a) and Fed. R. Crim. P. Rule 32.1(a)(6) that defendant is not likely to fail to appear or pose a danger to the safety of any person or the community.

 The defendant waived the right to a detention hearing and agreed to detention.

The Court's findings are based on the evidence presented in court and that contained in the court's records, and includes the following:

the defendant's history includes repeated attempts at substance abuse treatment, with relapse shortly thereafter or during the program. No other options are currently known which will sufficiently ameliorate the risk of harm posed by defendant's release.

IT HEREBY IS FURTHER ORDERED:

The defendant is committed to the custody of the Attorney General for confinement in a corrections facility; the defendant shall be afforded reasonable opportunity for private consultation with counsel; and on order of a court of the United States, or on request of an attorney for the government, the person in charge of the facility shall deliver the defendant to a United States Marshal for appearance in connection with a court proceeding.

DATED: January 4, 2012

BY THE COURT:

s/Cheryl R. Zwart
Cheryl R. Zwart
United States Magistrate Judge